IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

WEDNESDAY, THE 28TH FEBRUARY 2007 / 9TH PHALGUNA 1928

WP(C).No. 1684 of 2004()

PETITIONER:

K.VIJAYAN, S/O.KRISHNAN,
KATTILPURA HOUSE, KODUMTHIRAPPULLY,
PALAKKAD DISTRICT.

BY ADV. SRI.SAJAN VARGHEESE K.
SRI.LIJU. M.P

RESPONDENTS:
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1. **KERALA MOTOR WORKERS WELFARE FUND BOARD,**
   REP. BY THE DISTRICT EXECUTIVE OFFICER,
   PALAKKAD 678 001.

2. **THE TAHSILDAR (R.R.),**
   PALAKKAD.

BY ADV. SMT.I.SHEELADEVI, SC,KMTWF BOARD for R1
BY GOVT.PLEADER SRI. MANOJKUMAR for R2

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 28/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.1684/2004 A

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF THE ORDER DTD. 7/11/02 PASSED BY THE RESPONDENT NO.1.**

EXT.P2: **COPY OF THE RECEIPT DTD. 20/10/03 ISSUED BY THE PARALI II VILLAGE OFFICER.**

EXT.P3: **COPY OF THE DEMAND NOTICE IN FORM NO.1.**

EXT.P4: **COPY OF THE DEMAND NOTICE IN FORM NO.10.**

/TRUE COPY/

KSS

WPC.NO.1684/2004 A

APPENDIX

PETITIONER'S EXHIBITS:

KURIAN JOSEPH, J.

W.P.(C) No.1684 of 2004

Dated 28th February, 2007.

J U D G M E N T

The challenge is on Exts.P3 and P4 proceedings in the matter of recovery of dues towards Kerala Motor Transport Workers Welfare Fund. According to the petitioner, he did not get an opportunity to state his contentions before the first respondent. It is fairly clear from the statement itself that the petitioner was not heard. Of course, the stand taken in the statement is that the petitioner did not turn up. But the fact remains that the notice was returned as 'Unclaimed'. It is further seen from the statement that since notice for one year was returned unserved, no notice was issued while taking assessment for the disputed years. For the only reason that on one occasion the petitioner did not respond, there is no justification in not issuing notice to the petitioner. I quash Exts.P3 and P4. The petitioner will appear before the first respondent on 28.3.2007, on which date, the petitioner shall be heard by

the first respondent, and on pursuing the documents and adverting to the evidence, a fresh order shall be passed. The amounts already remitted by the petitioner shall be duly adjusted.

The writ petition is disposed of as above.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

O.P.No. of 2002

J U D G M E N T

Dated 28th February, 2007.